

EXHIBIT 38

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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MARK I. SOKOLOW, et al.,

PLAINTIFFS,

-against- Case No.:
04CV397 (GBD) (RLE)

THE PALESTINE LIBERATION ORGANIZATION,
et al.,

DEFENDANTS.
-----X

DATE: December 13, 2012
TIME: 8:20 a.m.

DEPOSITION of the Plaintiff, SHAUL
MANDELKORN, taken by the Defendant, pursuant
to Notice and to the Federal Rules of Civil
Procedure, held at the Offices of Morrison &
Foerster, 1290 Avenue of the Americas, New
York, New York 10104, before Richard
Aurelio, a Notary Public of the State of New
York.

1 S. M A N D E L K O R N

2 full and truthful testimony here today?

3 A. No.

4 Q. At some point during the day,
5 Mr. Solomon may make an objection. If that
6 happens, please just wait for him to stop
7 speaking and then unless he's told you not
8 to answer my question, please go ahead and
9 answer my question.

10 During the course of the day,
11 I may ask a question that you don't
12 understand. If that happens, please let me
13 know and I'll rephrase it so you can
14 understand.

15 What's your current address?

16 A. 18 Nissanboin Street, Apartment 3,
17 Jerusalem.

18 Q. Of what country or countries are
19 you a citizen?

20 A. Israel only.

21 Q. Have you ever considered becoming
22 an American citizen?

23 A. No. Not in a series manner.

24 Q. Okay.

25 Have you ever considered it in a

1 S. M A N D E L K O R N

2 current career plan?

3 A. Not within any defined framework
4 -- time framework but possibly in the area
5 of teaching or becoming a rabbi.

6 Q. (Perusing documents.)

7 I understand that you were injured
8 in June of 2002; is that correct?

9 A. Yes.

10 Q. Prior to the injury you received
11 in June of 2002, did you have a career plan?

12 A. Yes. I wanted to be a rabbi.

13 Q. That is still your current career
14 plan?

15 A. Yes. But I'm not certain.

16 Q. Has anything about the injuries
17 you received in June of 2002 prevented you
18 from becoming a rabbi?

19 A. My -- my plan was to invest all of
20 my time in studying Tora, T-O-R-A, in order
21 to become a prominent rabbi with wide
22 knowledge -- with significant depth of
23 learning.

24 And a terrorist act --

25 INTERPRETER NE'EMAN: Attack.

1 S. M A N D E L K O R N

2 Sir, I would like to now talk to
3 you about the time prior to when you were
4 injured in June of 2002.

5 I understand, sir, that you have a
6 practice of averting your eyes from women;
7 is that correct?

8 A. Correct.

9 Q. I understand that that concern
10 about looking at women was something that
11 developed when you were 15 years-old; is
12 that correct?

13 A. I don't recall whether it was the
14 age of 16 or age of 17.

15 Q. In any event, this concern you
16 have about looking at women was something
17 that developed before you were injured in
18 June of 2002, correct?

19 A. To a certain degree, that's
20 correct.

21 Q. Am I also correct, sir, that at
22 the time you were injured you were, in fact,
23 having thoughts related to looking at women?

24 A. Yes.

25 Q. When you were injured in June of

1 S. M A N D E L K O R N

2 2002, were you able to see the person or
3 persons who detonated the device that
4 injured you?

5 A. No.

6 Q. So, today you're not able to
7 identify the perpetrator of the attack that
8 injured you; is that correct?

9 A. Correct.

10 Q. As I understand it, you were
11 walking towards or running towards the
12 explosive device when it was detonated; is
13 that correct?

14 A. I did not run to the explosive
15 device. I ran towards the hitchhiking
16 station and it was then that the suicide
17 bomber exploded.

18 Q. Now you say the suicide bomber
19 exploded but you did not, in fact, see the
20 person before the explosion; is that
21 correct?

22 A. Correct.

23 Q. So, you cannot say from your own
24 perception that it was a suicide bomber as
25 opposed to, for example, a bomb that had

1 S. M A N D E L K O R N

2 Q. Are you aware of any evidence that
3 the PLO had something to do with your
4 injuries in June of 2002?

5 A. I just know that my father told me
6 that my brother checked and found that --
7 that the terrorist was a member of the
8 Al-Aqsa brigade --

9 INTERPRETER NE'EMAN: (Speaking
10 Hebrew.)

11 A. -- and they took responsibility
12 for the terrorist act. And based on what I
13 understood, they are connected with the PLO.

14 Q. Is everything you've just said
15 what your father told you?

16 A. Yes.

17 Q. Apart from what your father told
18 you about an alleged connection of the PLO
19 to your case --

20 INTERPRETER TURNER: Between?

21 MR. HILL: I'm not sure how far
22 you got.

23 Q. Let me start from the beginning.

24 Apart from what your father told
25 you about an alleged connection of the PLO

1 S. M A N D E L K O R N

2 to your injuries, are you aware of any other
3 evidence that the PLO had something to do
4 with the attack at which you were injured?

5 A. No.

6 Q. Are you aware of any evidence that
7 a Palestinian Authority had anything to do
8 with the attack in which you were injured?

9 A. No.

10 Q. Are you asking to be paid money in
11 this lawsuit for an injury to your sex life?

12 A. What you had said about the
13 Palestinian Authority, it's the same as the
14 PLO?

15 INTERPRETER NE'EMAN: It's the
16 translation of the PLO.

17 MR. HILL: Well, let me pose
18 another question.

19 Q. Do you understand there's a
20 difference between the PLO and the
21 Palestinian Authority?

22 A. I am not -- not so much into the
23 details.

24 Q. So, let me just ask the question
25 again.

1 S. M A N D E L K O R N

2 Are you aware of any evidence that
3 the Palestinian Authority --

4 MR. SOLOMON: Note the objection.

5 Q. -- had anything to do with the
6 attack in which you were injured?

7 MR. SOLOMON: Asked and answered.

8 A. Not more than what I heard from my
9 father. And I don't know whether it's
10 connected to the PLO or the Palestinian
11 Authority.

12 Q. I understand.

13 Just so that the record is clear,
14 apart from what your father has told you
15 you're not aware of any evidence that the PA
16 had something to do with this attack?

17 MR. SOLOMON: Objection.

18 A. Correct.

19 Q. Okay.

20 Are you asking to be paid money in
21 this lawsuit for an injury to your sex life?

22 A. (No response.)

23 INTERPRETER NE'EMAN: (Speaking
24 Hebrew to the witness.)

25 I just asked him if he wanted me